THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18669 OF 2007

DATED: 14-09-2007

BETWEEN:

Dr. Beeraka Bhaskara Rao,
S/o. Late Appanna and four others

...Petitioners

and

The District Collector,
Vizianagaram, Vizianagaram District
and four others

...Respondents

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18669 OF 2007

ORDER:

This writ petition is filed by the petitioners seeking a writ of Mandamus declaring the action of the respondents in attempting to lay a water pipe line through the petitioners' lands in Sy.Nos.93, 94, 95, 96, 126, 127 & 129 of Talaraai Village, L.Kota Mandal, Vizianagaram District from 30-08-2007 without acquiring the lands of the petitioner by following due process of law or obtaining any consent from the petitioners is illegal, without jurisdiction and consequently, direct the respondents not to interfere and lay the water pipe line through the lands of the petitioners.

2. It is stated that the petitioners are the owners of the lands situated in the above referred survey numbers to an extent of Ac.0.60 cents. The grievance of the petitioners is that the respondents are proposing to lay a water pipe line through their lands either without acquiring their lands under the provisions of

the Land Acquisition Act or after obtaining their consent. In the absence of either of it, the proposed action of the respondents is illegal and without jurisdiction and therefore, sought for appropriate orders.

3. The learned Government Pleader clearly conceded that without complying with either of the procedures, the respondents are not entitled to lay the water pipe line through the lands of the petitioners.

4. In fact, this matter was adjourned twice, but however it is disposed of on the facts stated above after hearing both sides.

5. Since it is the case of the petitioners that the lands in question were not acquired by the respondents under the provisions of the Land Acquisition Act or after obtaining the consent of the landowners, who are no other than the petitioners herein. Without doing so, the respondents are not entitled to lay water pipe line through the lands of the petitioners.

6. The writ petition is accordingly disposed of directing the respondents that if they are proposed to lay any water pipe line through the lands of the petitioners, they can do so only after resorting due process of law or after obtaining the consent of the petitioners but not otherwise. No order as to costs.

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S. ANANDA REDDY, J.

Dated: 14-09-2007

Note:

Issue Copy with in one week.

B/o.

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